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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,489	11/02/2000	Edward J. Naclerio	770P009665-U	8816

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,489

Applicant(s)

NACLERIO

Examiner

Richard Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1) Applicant's arguments, filed March 11, 2003, with respect to rejections under 35 USC 102 have been fully considered and are persuasive. The rejections hereby have been withdrawn.

Claim Objections

2) Claims 6 and 10 are objected to because of the following informalities:

In Claim 6, line 2; Claim 10, line 2, respectively, "a" before "anti-temper" should be changed to --an--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3) Claims 2 and 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (EP 0376487) in view of Bergum et al. (US 5,249,227).

Brown discloses a method comprising the steps of:

storing the data (i.e. bitmap in Fig. 4A) in a first memory (106) not having a back-up battery (Fig. 3);

storing the data in a second memory (104) having a back-up battery;

temporarily storing the data in a third memory (102) (with no back-up battery);

generating a postal indicia and printing the indicia based on the data (see Fig. 2);

and

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transmitting a message (via communication 98 in Fig. 2) to an authority.

Brown further discloses a postal security device comprising:

a secure housing;

a first nonvolatile memory (106) without a backup battery;

a second NVM (104) having a backup battery;

a third memory (102) not having a backup batter and storing temporarily the data;

a means for generating print data for the postal indicia (See Fig. 2); and

wherein the body of data includes cryptographic keys and bit images (See Figs.

4A-D).

However, Brown does not specifically disclose the invention including:

an anti-tamper device to interrupt power to the second memory device and the third memory device; and

a detection device adapted to detect the tempering and send a message via a communications channel to an authority, for the purpose of:

storing the data encryption key in a second memory (104) having a back-up battery;

encrypting the body of data by the cryptographic engine with respect to the encryption key;

upon power-up of the PSD decrypting the encrypted body of data with the cryptographic engine;

removing power from the second and third memories in the event of tampering with the PSD; and

generating an electrical signal when PSD is tempered and clearing the data in the second and third memories.

Bergum et al. teaches, for an encrypted device to improve security, that the device comprises:

a first memory (105); a second memory (106);

a third memory (103) not having a backup battery and storing temporarily the data;

wherein the body of data includes cryptographic keys;

an anti-tamper device to interrupt power to the second memory device and the third memory device (cols. 3-4); and

a detection device adapted to detect the tampering and send a message via a communications channel (113) to an authority, for the purpose of:

storing the data encryption key in a second memory (106);

encrypting the body of data by the cryptographic engine with respect to the encryption key; and

removing power from the second and third memories in the event of tampering with the device.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Brown such that the invention

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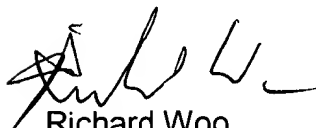
includes an anti-temper device to interrupt power to the second memory device and the third memory device, as taught by Bergum et al. for the purpose of providing a greater security in storing and utilizing encryption/decryption keys when the device loses power, or is tampered with.

Conclusion

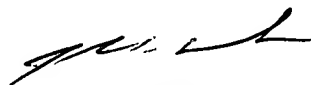
4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
June 12, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600